

Application No.: 10/501,885
Attorney Docket No.: 042600
Response under 37 CFR §1.116

REMARKS

Claims 1-6 are pending in the present application.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Kajiware '033** (US 5,256,033) in view of **Lovisetto** (EP 55426), and further in view of **Kajiware '403** (US 5,318,403); and claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Kajiware '033** in view of **Lovisetto** and **Kajiware '403**.

Favorable reconsideration is requested.

(1) Applicants respectfully submit that **Kajiware '033** in view of **Lovisetto** and further in view of **Kajiware '403** does not teach or suggest:

wherein a relief plate having an outer circumferential end face which is held in contact with an inner surface of a cylindrical side portion of said adjacent intermediate casing is attached to said bottom portion of said intermediate casing

as recited in claims 1 and 2.

Kajiware '033 discloses a bottom wall 24 which is attached to a side plate 33 by welding. Side plate 33 appears to function as a relief plate as recited in the claims. However, side plate 33 does not have an outer circumferential end face which is held in contact with an inner surface of a cylindrical side portion of the adjacent intermediate casing.

The Office Action cites **Lovisetto** for teaching the use of a relief plate having an outer circumferential end face which is held in contact with an inner surface of a cylindrical side portion of the adjacent intermediate casing. (Office Action, page 3.) The Office Action cites partition member 12 of **Lovisetto** as corresponding with the relief plate as recited in the claims.

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However, Lovisetto discloses only one member (partition member 12) separating the intermediate casings. Lovisetto does not disclose using a relief plate in addition to partition member 12.

Partition member 12 in Lovisetto functions as a wall separating the intermediate casings. Likewise, bottom wall 24 of Kajiwara '033 functions as a wall separating the intermediate casings. Thus, one of ordinary skill in the art would substitute bottom wall 24 of Kajiwara '033 with partition member 12 of Lovisetto.

The Office Action takes the position that Loviestto would teach the modification of extending side plate 33 to the inner surface 23 of the cylindrical side surface 21 in Kajiwara '033. (Office Action, page 5.) However, since bottom wall 24 in Kajiwara '033 already separates the intermediate casings, there would be no need to extend side plate 33 to the inner surface 23 of the cylindrical side surface 21. In other words, the functionality of partition member 12 of Lovisetto is already achieved by bottom wall 24 of Kajiwara '033 without modification. Thus, one of ordinary skill in the art would not modify Kajiwara '033 to extend side plate 33 based on the teachings of Lovisetto.

The Office Action also takes the position that modifying Kajiwara '033 such that side plate 33 extends to an end surface 22 on the interstage casing 20 is merely a rearrangement of parts, and that rearranging parts of an invention involves only routine skill in the art. (Office Action, page 5.) The Office Action cites *In re Japikse*, 86 USPQ 70 (CCPA 1950), to support this assertion. However, as noted in MPEP § 2144.04(VI)(c), the mere fact that one of ordinary skill in the art could rearrange the parts of a reference device to meet the terms of the claims is not by itself sufficient to support a finding of obviousness. There must also be an explanation or

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reason as to why it would have been obvious to rearrange the parts of the reference device. MPEP § 2144.04(VI)(c); *See also* MPEP § 2141(III) citing *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727 (2007).

As noted above, there would be no need, and thus, no reason to extend side plate 33 of Kajiwara '033 to the inner surface 23 of the cylindrical side surface 21. Bottom wall 24 of Kajiwara '033 separates the intermediate casings and also provides an enclosure at relief portion 26.

(2) Applicants respectfully submit that Kajiwara '033 in view of Lovisetto and further in view of Kajiwara '403 does not teach or suggest:

wherein said relief plate, said stage side portion, said stage flat portion, and said inner surface of said cylindrical portion of said adjacent intermediate casing form a space in which an O-ring is fitted

as recited in claims 1 and 2.

Applicants previously pointed out, (Response, November 16, 2007), that even if side plate 33 of Kajiwara '033 can be substituted by partition member 12 of Lovisetto such that an outer circumferential end face of the partition member is held in contact with an inner surface of an adjacent casing as alleged by the Office Action, the modified structure would not include a space in which an O-ring is fitted that is formed in part by the partition member.

The Office Action takes the position that based on the references, the addition of an O-ring to a similar interstage casing is an obvious improvement over the prior art, and that the modified device of Kajiwara '033 and Lovisetto would provide a relief plate in which the relief plate contributes to forming a space to accommodate an O-ring. (Office Action, pages 5-6.)

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However, as acknowledged by the Office Action, Lovisetto would teach the modification of extending side plate 33 to the inner surface 23 of the cylindrical side surface 21 in Kajiwara '033. (Office Action, page 5.) Thus, the modified device of Kajiwara '033 would be as shown in Fig. 1 of Kajiwara '033 except side plate would extend to the inner surface 23 of the cylindrical side surface 21. In the modified device, the relief plate would not be a part of forming a space in which an O-ring is fitted as recited in the claims. Bottom wall 24 extends to the inner surface 23 of the cylindrical side surface 21. Bottom wall 24, relief portion 26, flat portion 27 and projecting portion 28 already form a space for fitting an O-ring. (See Kajiwara '403, Fig. 2.) Thus, side plate 33, modified as alleged by the Office Action, would not contribute to forming a space in which an O-ring is fitted.

For at least the foregoing reasons, claims 1 and 2 are patentable over the cited references, and claims 3-6 are patentable by virtue of their dependence from either claim 1 or 2. Accordingly, withdrawal of the rejection of claims 1-6 is hereby solicited.

In view of the above remarks, Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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